

**Labaton
Sucharow****MEMO ENDORSED**

February 17, 2011

VIA FAX (212) 805-7917

The Honorable Robert P. Patterson, Jr.
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/18/11

Re: In re: Commodity Exchange, Inc., Silver Futures and Options Trading Litigation, MDL 2213

Dear Judge Patterson:

We represent Plaintiffs Brian J. Beatty, Peter Laskaris, Lewis Gunari, Shawn Kuo, Ed Sheldon, Teresa Kuhn, Paul D. Kaplan, J. Scott Nicolson and Richard White (collectively, "Plaintiffs") in six (6) of the forty-three (43) related actions that are now or shortly will be pending before this Court.

In our letter to the Court of February 8, 2011, we stated that we intend to propose a leadership structure of the three undersigned firms.

Since writing that letter, we have received the support of all or virtually all of the related actions pending in this District, including the plaintiffs and counsel who sent and were represented in the letter to Your Honor dated February 9, 2011 from Michael Buchman. (We have been communicating with plaintiffs' counsel in the related actions not pending in this Court but, as of this writing, have not received the support of all of them).

Presently, this Court's Case Management Order No. 1 instructs that all applicants seeking appointment as interim lead counsel and/or as a member of interim plaintiffs' steering committee submit an application by February 23, 2011 not to exceed ten pages, excluding exhibits. Because all or virtually all of the actions pending in this Court will support our proposal, we respectfully request that the Court modify Case Management Order No. 1, in order to permit our group to file one brief not to exceed 25 pages, excluding exhibits.

This modification will avoid duplication of efforts, result in greater efficiencies for the plaintiffs and the Court, and spare the Court from receiving multiple ten page briefs.

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Respectfully submitted,

LABATON SUCHAROW LLP

/s/ Bernard Persky

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Counsel for Plaintiff Brian J. Beatty

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/s/ Christopher Lovell

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Counsel for Plaintiffs Peter Laskaris; Lewis Gunari; Shawn Kuo; Ed Sheldon; Teresa Kuhn; and Jim Hunter

LOWEY DANNENBERG COHEN
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/s/ Vincent Briganti

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Counsel for Plaintiffs Paul D. Kaplan; Scott Nicholson; and Richard White

cc: All Counsel of Record in the Related Actions

*Application denied
Courtroom directed to
follow the previous
order of the Court
in its previous order.*



*So ordered
Robert Patterson, Jr.
2/18/11*

**See attached typewritten
memo endorsement**

Case: In re: Commodity Exchange, Inc., Silver Futures and Options
Trading Litigation
Index No. MDL 2213

MEMO ENDORSEMENT READS:

Application denied.

**Counsel are directed to follow the procedure outlined by the
Court in its previous order.**

So Ordered.

Robert P. Patterson, Jr., U.S.D.J., 2/18/11